

United States District Court

For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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INTERNATIONAL ORGANIZATION OF
MASTERS, MATES AND PILOTS, PACIFIC
MARITIME REGION,

No. C 06-2107-CW

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Plaintiff,

v.

NATIONAL PARK SERVICE, et al.,

Defendants.

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INLANDBOATMEN'S UNION OF THE PACIFIC,
MARINE DIVISION, ILWU

No. C 06-2152-CW
(RELATED CASE)

Plaintiff,

v.

FRAN MAINELLA, et al.,

Defendants.

ORDER ON
PLAINTIFFS'
MOTIONS FOR
PRELIMINARY
INJUNCTION AND
ORDER STAYING
CASE

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Plaintiffs International Organization of Masters, Mates and
Pilots, Pacific Maritime Region (MM&P) and Inlandboatmen's Union of

United States District Court

For the Northern District of California

1 the Pacific, Marine Division, ILWU (IBU) separately move for
2 preliminary injunctions, seeking to stop Defendants National Park
3 Service (NPS) and NPS Director Fran Mainella from awarding a
4 concession contract to Intervener Hornblower Yachts. Plaintiffs
5 contend that this contract is in violation of the McNamara-O'Hara
6 Service Contract Act (SCA), 41 U.S.C. § 351. Defendants and
7 Intervener oppose these motions. The matter was heard on April 28,
8 2006. Having considered all of the papers filed by the parties and
9 oral argument on the motions, and for reasons expressed in a
10 written order to follow, the Court finds that Plaintiffs likely
11 will succeed on the merits and their members likely will be
12 imminently and irreparably harmed if a preliminary injunction is
13 not granted.

14 Accordingly, Defendants are preliminarily enjoined from
15 awarding a contract, for the continuation of water transportation
16 services between the City of San Francisco, California and Alcatraz
17 Island and related services, that permits any contractor or
18 subcontractor under it to pay its employees providing services
19 under such contract less than the wages and fringe benefits
20 specified in Plaintiffs' collective bargaining agreements with Blue
21 and Gold Fleet, LLP, including any prospective increases in wages
22 and fringe benefits specified in such collective bargaining
23 agreements.

24 Plaintiff MP&P's Motion for Preliminary Injunction (Docket
25 No. 7) is GRANTED. Plaintiff IBU's Motion for Preliminary
26 Injunction (Docket No. 10) is GRANTED in part, as stated above.
27 This case is stayed pending the Department of Labor's determination
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1 of whether the SCA applies to the concession contract at issue.
2 The parties shall notify the Court within ten days after the
3 Department of Labor's determination. This injunction does not
4 prevent a contractor or subcontractor from seeking a variance from
5 the Department of Labor. If a variance is granted, Defendants may
6 move to vacate the preliminary injunction.

7 IT IS SO ORDERED.

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9 Dated: 5/1/06



10 CLAUDIA WILKEN
11 United States District Judge
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